IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL REVISION No. 94 of 2005

FIRM JAL RAM DASS LOKESH KUMAR
V/S
ABHAY KUMAR MEHTA

Mr. GR GOYAL, for the appellant / petitioner

Date of Order : 1.4.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

It is not in dispute that before filing of present execution application no. 21/98, the decree holder had filed another execution application, which was got transfered to Kanpur.

The learned counsel for the petitioner relying on the provisions of O.21 R.21 CPC, submitted that while filing this second execution application, permission was sought for issuing fresh warrant to proceed against the person of the judgment debtor. However, learned counsel could not point-out as to whether any order was passed, granting any such permission. It transpires from the impugned order, that in the proceedings in previous execution application, some settlement was arrived at, and petitioner received certain drafts and/or cash etc. The learned counsel was pointedly asked, as to whether the proceedings in previous execution application are pending or not, to which learned counsel states that proceedings are going on at Kanpur.

In these circumstances, I am not inclined to interfere with the impugned order, as it cannot be said to be suffering from any jurisdictional error. However, it is made clear, that if the previous execution application is disposed of, and if any part of decree remains unsatisfied, it will be open to the petitioner to file fresh execution application. However, if previous execution application is pending, then petitioner should persuade that application only.

The revision petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/Srawat/